

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : **WOLF, Fred R. et al.**  
SERIAL NO : 10/606,877  
FILED : June 25, 2003  
TITLE : **METHOD OF IMPROVING ANIMAL TISSUE QUALITY BY  
SUPPLEMENTING THE ANIMAL DIET WITH MIXED  
TOCOTRIENOLS**

Grp./A.U. : 1615  
Examiner :  
Conf. No. : 5242  
Docket No. : P08096US00 - PHI 1437

**RESPONSE OF NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)**

Mail Stop APPEAL  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Assistant Commissioner:

In response to the Notification of Non-Compliant Appeal Brief mailed November 16, 2007, attached is the section of the brief "X. Appendix - Claims", including claims 2 and 12 as originally presented, as requested.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:


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Robert A. Hodgson

## **X. APPENDIX - CLAIMS**

1. A method of improving the tissue quality of an animal, comprising feeding the animal a diet comprising at least 150 ppm mixed tocotrienols.
2. The method of claim 1 wherein the tissue is meat and the quality of the meat is measured by criteria selected from the group consisting of increased pH, improved color value, improved oxidative stability, and reduced purge.
12. The method of claim 1 wherein the animal is a ruminant.
13. The method of claim 12 wherein the animal is cattle.
14. The method of claim 1 wherein the diet comprising at least 150 ppm mixed tocotrienols comprises a cereal grain crop genetically modified to have elevated mixed tocotrienol levels.
15. The method of claim 14 wherein the cereal grain crop is corn.
16. The method of claim 1 wherein the diet comprising at least 150 ppm mixed tocotrienols comprises oil from a plant that has been genetically modified to have elevated mixed tocotrienol levels.
20. A method of improving the tissue quality of an animal, comprising feeding the animal a diet comprising 50 ppm to 500 ppm mixed tocotrienols.
21. The method of claim 20 wherein the tissue is meat and the quality of the meat is measured by criteria selected from the group consisting of increased pH, improved color value, improved oxidative stability and reduced purge.

27. The method of claim 20 wherein the diet comprising 50 ppm to 500 ppm mixed tocotrienols comprises a cereal grain crop genetically modified to have elevated mixed tocotrienol levels.
28. The method of claim 27 wherein the cereal grain crop is corn.
29. The method of claim 20 wherein the diet comprising 50 ppm to 500 ppm mixed tocotrienols comprises an oil from a plant that has been genetically modified to have elevated mixed tocotrienol levels.

### **REMARKS**

In response to the Notification Non-Compliant Appeal Brief mailed November 16, 2007, attached is the section of the brief "X. Appendix - Claims", including claims 2 and 12 as originally presented, as requested. No other changes have been made.

No fees or extensions of time are believed to be due in connection with this paper; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



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